HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Industry, Science and Technology

INDU • NUMBER 113 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, May 10, 2018

Chair

Mr. Dan Ruimy

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● (1900)

[*English*]

The Chair (Mr. Dan Ruimy (Pitt Meadows—[illegible] Ridge, Lib.)): Welcome, everybody. In anticipation of tonight's hockey game, you each have 30 seconds to present to us.

That said, it looks as though we have only perhaps eight people, as we did yesterday. We had only a small group. If you need an extra minute, I'll let you go to three minutes, but then I will cut you off.

Does everybody want three minutes? Yes, I see heads nodding.

Thanks, everybody, for coming.

As a quick introduction, as you know, we are doing the five-year statutory review of copyright. It's going to take us about a year to do this study because there are hundreds of people who want to meet with us. The way we've structured this is by breaking it up into pieces so we can ask in-depth questions. The reason for the road trip is that the information we get from people when we visit cities is priceless for us, because we get to see people who otherwise wouldn't be in Ottawa to do that. That's the reason we're visiting five cities in five days.

Everything you're going to say to us tonight is recorded. All that information is going to be documented. In terms of time, you can tell us how great you are, but then you're eating up your own time. Get to the heart of the matter. Get to what really matters to you, because that's what we're looking for, the real core of the matter that applies to you.

I'll randomly select people to start.

I'll indicate when you have 15 seconds left.

Our first guest of the evening is Brianne Selman. Pick up a microphone and come on down.

Ms. Brianne Selman (As an Individual): I appreciate the extra time, because I was worried that my hockey jokes were going to eat into my reading time. I hope you will be joining the party after.

Thank you also for your time. We recognize that the committee has a very tough task ahead of it.

I'm a librarian and I'm here actually to read some statements on behalf of the Manitoba Library Association.

Libraries understand what it's like to be caught in the middle of all of this. The Manitoba Library Association represents nearly 200 libraries. As stewards of public funds, libraries must invest in products and services that offer patrons good value. Libraries have not stopped paying to clear our copyrights, but many use models other than Access Copyright.

Libraries benefit from having rich, diverse choices of Canadian content, and we appreciate your efforts to sustain Canadian creators and publishers. Through investments in open access, digitization, and writers-in-residence programs, Manitoba libraries directly support Canadian cultural production and preservation. We have also witnessed first-hand the effects of market consolidation in the publishing industry: rising costs, fewer independents and Canadian choices, and smaller payments to creators. The act might not be the place to address this; however, there are ways you can support Canadian content creators.

We have heard repeated testimony of the importance of grants such as the book fund and the Canada Council for the Arts. We know these sources of income are significant for small creators and publishers. Dedicated funding for Canadian educational publishing and technology, including the creation of Canadian open educational resources, is more likely to achieve meaningful growth in the sector, while a mandatory flat fee per student across the country will in fact have differential effects on students in different provinces.

We remind the committee that education doesn't only apply to large educational institutions. Manitoba public libraries delivered programs to over 300,000 people in 2016, including fundamental literacy initiatives, services for newcomers, tech classes for seniors, and tutorials for small business owners. Fair dealing is not the main way content is delivered in these programs, but it permits instructors to augment purchased materials with short excerpts for the benefit of students. In the absence of this user right, students would simply go without this diverse information, because instructors cannot afford to buy it in these public contexts. I should specify that we're talking about very short excerpts here, buying a $30 to $100 book to provide a couple of pages in a class you are teaching in a community setting to a group of seniors.

Finally, you have heard about the value of open access. In this spirit, we advocate for meaningful change that would have a big impact: remove crown copyright in favour of public domain. Many government publications, despite being released to the public, are still not freely available for the public to use.

Thank you.

● (1905)

The Chair: Thank you very much. That was exactly three minutes.

What would you have done if we had given you the extra minute?

Next is Daniel Elves.

I have a picture of me as an elf, by the way. That would be an elf, not elves.

Mr. Daniel Elves (As an Individual): Well, I could get in there too, and we could make that plural.

The Chair: Then we would be elves.

Mr. Daniel Elves: We would be.

Good evening. Thank you again for this opportunity to speak. I represent the University of Winnipeg, which is a couple of blocks from here, in the heart of downtown, where I am the information and privacy officer and adviser to the copyright office. We do a lot with a little as you can see.

The University of Winnipeg is an urban campus of approximately 10,000 students. We are dedicated to ensuring students from a wide variety of backgrounds, regardless of financial means, are able to access high-quality post-secondary education. We have witnessed first-hand the digital disruption. The era of printed course packs is disappearing. Canadian students now require seamless access to a wide range of information on their laptops and smart phones delivered through digital platforms.

In response we have significantly increased our spending on library acquisitions, which have risen by 45% since 2012. Well over 80% of the spending is on database subscriptions and other digital resources. We have also invested in open access which enriches the student experience and fosters new creation.

However, rising costs for digital acquisitions have forced us to cancel other materials in order to balance slim budgets. To acquire the content our students require, we seek maximum value for money. In the face of disruption, flexibility is paramount. This is why universities must be able to select licensing arrangements that best support academic excellence and student success.

A print-based blanket tariff of limited repertoire is simply not good value for students. Such a tariff is also an inefficient means to support Canadian creators with considerable revenue going overseas. Tariffs must remain optional and without statutory damages for non-payment.

Another vital way to foster the success of Canadian students is through the maintenance of fair dealing, which enables the timely and tailored use of a vast array of published knowledge. While the overwhelming majority of content accessed by our students is paid content, fair dealing remains crucial for accessibility and affordability. Fair dealing for education must be viewed from the student perspective.

Last, we have also seen positive disruption led by Canada's indigenous peoples in their fight to protect traditional knowledge. We encourage this committee to explore legal structures that defend and foster indigenous perspectives of intellectual property.

Thank you.

The Chair: Excellent. Thank you very much.

Next is Joan Thomas, please.

Ms. Joan Thomas (As an Individual): Hi. Thank you so much.

I'm a Winnipeg resident and a writer. I think I represent probably about 50 other writers who couldn't make it tonight for maybe obvious reasons.

I'm the author of three novels. I take writing very seriously. I'm here to talk, I guess, from the position of a creator. I see it as a means to tell stories that will change the way people think about the world.

For example, my most recent novel, *The Opening Sky*, is about a middle-class family living in my own city. It looks at the psychic weight and the moral dilemmas of being a thoughtful citizen in a changing world and a changing climate.

I heard that shot about using your time to say how great you are. I don't want to do that, but I want to say that my work has been relatively successful and has been nominated for prizes like the Governor General's Literary Award, the Scotiabank Giller Prize, and the International IMPAC Dublin Literary Award. I want to say that because it sort of frames the challenges that writers face even when their work is relatively successful.

I want you to note that my average annual income over the 13 years that I've been writing, from direct income from writing, from royalties and advances, is $3,385. That's because I spend three or four years on each book.

In the precarious economics of book publishing, creators are served a very small slice of the pie. I make less than $2 for every book that is sold. Licensing fees for photocopying my work may not seem like a huge sum, but in 2011, the cheque I received from Access Copyright was 15% of my writing income. Of course, that's dropped now. This year it was $168.

Unlicensed photocopying strikes creators as illegal publishing. It feels like a theft of copyright. It feels like pirating. I'm baffled at the logic of educational institutions that want Canadian ideas and stories to challenge and shape the thinking of students and then set about stealing this work from its creators.

Thank you.

● (1910)

The Chair: Thank you very much.

Next is Irene Gordon, please.

Ms. Irene Gordon (As an Individual): Hello. I'm a former teacher librarian, and in 2003, I published my first book. I specialized in Canadian history, mainly the fur trade. The fur trade being one of the pivotal events in Canadian history, I think it's important that students learn about this, so everybody learns about it. How can they learn about it if we get paid so little that people can't afford to write?

I started writing after a career as a teacher librarian, but a lot of people are trying to make their whole career as writers, and they can't do it.

Why is it everyone thinks that whatever you produce you should be paid for, except for writers and photographers? These seem to be two of the exceptions. It's perfectly all right to copy their work free of charge. This is for the good of students, for the good of seniors, for the good of....

What about the good of the person who produced the material? If nobody writes anymore, these students and seniors aren't going to get any material.

That's the main point I'd like to make. Like Joan, the amount of money I get from Access Copyright keeps going down.

I don't think there's really anything else that I have to say, but I'd like everyone to realize just how important it is that we have creators, and that these creators get paid so they can continue to create.

Thank you.

The Chair: Thank you very much.

We're going to move to Michel Grandmaison. Is it the French version?

Mr. Michel Grandmaison (As an Individual): Michel Grandmaison or Mike Grandmaison, depending on where I am.

[*Translation*]

The Chair: Thank you very much.

We will now move on to Mr. Michel Grandmaison.

[*English*]

Mr. Michel Grandmaison: Thank you very much for having me.

I'd like to reiterate some of what the past speakers have said. I think it's important to realize that things have changed a lot over the years. The digital technology has certainly had an effect on all of us musicians, writers, photographers, and visual artists. All of that has basically brought down the whole income structure for all of us, yet we expect to produce more and more and get paid less and less.

My name, as mentioned, is Mike Grandmaison. I'm a proud Canadian visual artist specializing in capturing Canadian landscape in images and in words. I feel strongly that Canadian content is essential for us as Canadians in developing our identity as well as our own art.

Forty-two years ago, I made a conscious decision to focus my lens on Canada. As an artist, my lifelong commitment is to capture the beauty of this great country and to share it with others to remind us all of the importance that a healthy environment brings to the richness in our lives.

I believe that I've made some important contributions to the Canadian content over the years, having illustrated some 15 coffee table books, as well as having written some of them. Over the last decade, I have also contributed to countless magazine articles internationally, images and writings about discovering Canada. I am proud of my contributions to the body of Canadian work to date and I feel honoured when Canadians across the board, many of whom I have met personally, including students at all levels of education, can learn and benefit from our Canadian content, experiences, stories, and images.

As many others, I have been personally impacted by the addition of education as an allowable purpose under fair dealing since the Copyright Modernization Act was passed in 2012. Royalties to creators and publishers have declined by close to 80%. In my case, it's 70%.

The publishing industry in Canada contributes about $9.7 billion to the Canadian GDP, and the $120,000 is nothing to sneeze at for sure. The loss of royalty revenue has had significant impacts, including layoffs, to all of us, and to the business itself. Some publishers have been hit quite a bit. Also, the cuts to funding hurt us as creators as well.

Allowing these things to continue as they are will seriously jeopardize the continued creation of Canadian content for the classroom and beyond.

Thank you.

● (1915)

The Chair: Thank you very much.

Next is Todd Kevin Besant.

Mr. Todd Besant (As an Individual): Good evening. Thanks for allowing people to speak at the public forum tonight.

I am a book publisher. I am a writer. I've worked in the book business for over 30 years.

You won't find a writer or a publisher who does not believe in fair dealing. The way the regime used to work with fair dealing, you'd take a bit of it for educational purposes which was perfectly good and fine. The way the system works now, as a result of the changes that were wrought in 2012, it's a free-for-all. For those who are taking advantage of the free-for-all—you've probably heard all the stats where publishers are losing, incomes are going down, and universities say they're spending more—really, what it comes down to is a question of values.

What publishers and writers are being told is, "Wow, this work is really good. I'm going to go and teach it, but I'm not going to pay you for it." We're being told that our work has no value.

If you want to tell me that my work has no value, tell me to my face. The way the system works right now, it's unacceptable. It really is. We're being told our work has no value, that we shouldn't be paid for our hard work, our professionalism, and the research we put into it. That's not fair dealing.

Thank you.

The Chair: Thank you very much.

Next is Ryan Regier.

Mr. Ryan Regier (As an Individual): Hi. I'm Ryan, and I'm going to be quick.

We've heard a lot about this kind of balance between creators and users, and this whole discussion here has shown us there is tension. Users such as libraries think they're being screwed over and creators feel the same way.

I've listened a lot to all this talk about copyright and I just want to make a few quick points about things I've noticed. I'm a librarian as well so I interact with both the creator and the user.

The first thing is that users generally want to pay when they can, and when it's affordable. I think when we treat users like the pirates who are trying to illegally steal stuff, or we're forcing users to pay too much, they won't pay.

We can look at an example of this, which is what happened with the movie and music industries. In the early 2000s a lot of people were illegally streaming things, but now with Spotify and Netflix, piracy has dropped. People have affordable options. I think that's a solution there.

Also, I think it's really important now to look at the number of students who are pirating illegally and downloading textbooks. Student debt is at an all-time high. Students can't afford this stuff, so they're going to steal it.

I think there is a way, and if we treat users with respect, users will pay and they'll respect creator rights.

My second point is that creators generally don't care how their stuff is used. They just want to be compensated and they want to be aware of the use. I think it is really important when we talk about copyright to realize that copyright is about controlling, but really, if we just paid creators, they'd be fine with how their stuff is used.

My third point is that when we distinguish between creators and users, it's a red herring. Creators are users, and users are creators. I'm a librarian. The researchers, patrons, and students I serve publish, and they write. Often students who are taking advantage of fair dealing are the writers of the future, so if these students don't interact with Canadian literature, they're not going to become Canadian writers.

I think it's important to realize that yes, we're putting this wedge in between users and creators, and they're often really the same people.

My final point to bring all of this together is that I think the best way forward with copyright is to realize that user rights are really powerful and strong. We need strong user rights to be able to use this content, but we also need a system of creator compensation and credit. I don't think the current copyright system is doing that good a job of it. I think we need a better system here, maybe one that collectively funds creators. There needs to be more collective funding so that creators can do their work and they can create, can write, and in universities the students can make use of that content, and hopefully, everyone would be happy.

A lot of creators are saying, "We're not making the money," and libraries and users are saying, "We don't have any more money to spend." Where is all this money going? I think if you look, especially in the academic publishing industry, there are some publishers with massive profit margins. I think that's where the money is going and they have some very iffy copyright practices.

That's all I have to say.

Thanks.

● (1920)

The Chair: Thank you very much.

Our final speaker will be Laurie Nealin.

Ms. Laurie Nealin (As an Individual): Good evening.

I didn't prepare remarks, because I thought I was just going to come and listen, but I will add a few things.

I've been a writer for 30 years. Typically people in the arts are paid very low salaries. Writers are among them.

What I find very ironic is that the people and the institutions that are not wanting to pay the most lowly paid class of workers in the country are the people who are making very good salaries. For example, 30 years ago, I might have received $200 for a newspaper article. Now, 30 years later, I'm lucky if I get $200 for a newspaper article.

The incomes for writers have flatlined, stayed the same, or even declined, but I don't think you would find any educators out there who are working for the same amount of money they were working for 30 years ago. I just find the whole situation rather ironic.

I think of what Joan said. There will not be creators in the future because there is no way to make a living at it, and if that continues, the whole industry is just going to collapse.

As for Access Copyright, I used to count on that money annually to top up my income, and in semi-retirement I had counted on it as well. Whereas I used to get between $1,500 and $1,800 a year from Access Copyright, this past year I got $750.

Again, writers do not have pensions, but many of the people who are now not wanting to pay for our work have pensions.

I don't know if those are any thoughts that haven't been shared with you before, but I just thought I would add them.

Thank you.

The Chair: Thank you very much.

I know it's not easy to sit and listen to this stuff and I know it isn't easy to actually come up to a microphone and speak to a bunch of politicians, but trust me when I say that the reason we're here is to hear these stories. We may not necessarily hear these stories in Ottawa. Again, that's why we're here today.

I can assure you that we have a lot of questions. You can go to the INDU website and follow along. You can see that our members are asking the same questions that you guys are asking: Where is the money going? Universities are paying more. Publishers are getting less. Authors are getting nothing. Where's the money going? We're asking those questions, in part because we're hearing that from folks like you.

I want to thank all of you for coming today. I encourage you to follow along on our website, and submit a brief or even just some correspondence, a letter, if you think you have something to add to the story. Please feel free to do that. We would all appreciate it.

Thank you very much, and now, go watch the hockey game.

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